

## **2009 DRAFTING REQUEST**

### **Assembly Substitute Amendment (ASA-AB119)**

Received: **03/25/2009**

Received By: **tkuczens**

Wanted: **As time permits**

Identical to LRB:

For: **Jeff Smith (608) 266-0660**

By/Representing: **himself**

This file may be shown to any legislator: **NO**

Drafter: **tkuczens**

May Contact:

Addl. Drafters:

Subject: **Education - miscellaneous**  
**Education - school boards**

Extra Copies: **PG**

Submit via email: **YES**

Requester's email: **Rep.Smith@legis.wisconsin.gov**

Carbon copy (CC:) to: **tracy.kuczenski@legis.wisconsin.gov**  
**Joyce.Kiel@legis.wisconsin.gov**  
**Anne.Sappenfield@legis.wisconsin.gov**

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#### **Pre Topic:**

No specific pre topic given

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#### **Topic:**

requirements for pupils enrolled in 5-year-old kindergarten

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#### **Instructions:**

See attached

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#### **Drafting History:**

| <u>Vers.</u> | <u>Drafted</u>         | <u>Reviewed</u>        | <u>Typed</u>          | <u>Proofed</u> | <u>Submitted</u>       | <u>Jacketed</u>        | <u>Required</u> |
|--------------|------------------------|------------------------|-----------------------|----------------|------------------------|------------------------|-----------------|
| /?           | tkuczens<br>03/26/2009 | kfollett<br>03/26/2009 |                       | _____          |                        |                        |                 |
| /1           | tkuczens<br>03/27/2009 | kfollett<br>03/27/2009 | phenry<br>03/27/2009  | _____          | cduerst<br>03/27/2009  | cduerst<br>03/27/2009  |                 |
| /2           | tkuczens<br>03/30/2009 | kfollett<br>03/30/2009 | mduchek<br>03/27/2009 | _____          | sbasford<br>03/27/2009 | sbasford<br>03/27/2009 |                 |

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
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/3

|            |       |
|------------|-------|
| jfrantze   | _____ |
| 03/30/2009 | _____ |

|            |       |
|------------|-------|
| cduerst    | _____ |
| 03/30/2009 | _____ |

|            |       |
|------------|-------|
| cduerst    | _____ |
| 03/30/2009 | _____ |

FE Sent For:

&lt;END&gt;

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| /?           | tkuczens<br>03/26/2009 | kfollett<br>03/26/2009 |                       | _____          |                        |                        |                 |
| /1           | tkuczens<br>03/27/2009 | kfollett<br>03/27/2009 | phenry<br>03/27/2009  | _____          | cduerst<br>03/27/2009  | cduerst<br>03/27/2009  |                 |
| /2           |                        | 13 / 30<br>3 / 30      | mduchek<br>03/27/2009 | _____          | sbasford<br>03/27/2009 | sbasford<br>03/27/2009 |                 |

3/30 3/30

Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

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Anne.Sappenfield@legis.wisconsin.gov  
Sen.Coggs@legis.wisconsin.gov

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#### Instructions:

See attached

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|--------------|------------------------|------------------------|----------------------|----------------|----------------------|----------------------|-----------------|
| /?           | tkuczens<br>03/26/2009 | kfollett<br>03/26/2009 |                      | _____          |                      |                      |                 |
| /1           |                        | 12 kjl<br>3/27         | phenry<br>03/27/2009 | _____          | cdurst<br>03/27/2009 | cdurst<br>03/27/2009 |                 |

MD MDJ  
3/27

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| /?           | tkuczens       | 11kf<br>3/26    | 3/27<br>ph   | 3/27<br>ph/gk  |                  |                 |                 |

FE Sent For:

<END>

## STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Meeting re: AB119

3/25/09

Adam P. (Sen. Coggs)

Rep. Jeff Smith

Joyce Kiel &amp; Anne Sygenhord

(?) (WEAC) by phone

→ eliminate language requiring parent to submit written material showing that a child "demonstrates social, emotional, cognitive skills..." (p. 3 lines 11-14 and p. 4 lines 4-7)

→ require school bds. and operators of (4r) charter schools to establish "procedures, conditions & standards" for exempting a child from the 5K requirement (see s. 120.12(25) for model language)

→ require school bds. and operators of (4r) charter schools to enroll a pupil who moved into WI from a state/country that did not require completion of 5K as prerequisite to enrollment in first grade.

→ require school bds. and operators of (4r) charter schools to provide procedure for review of denial of exemption from requirement to complete 4K.

\* Prepare as a substitute amendment \*





State of Wisconsin  
2009 - 2010 LEGISLATURE

LRBs002712

TKK: 105

insert

RMNR

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**ASSEMBLY SUBSTITUTE AMENDMENT ,**  
**TO 2009 ASSEMBLY BILL 119**

3/26/09

by 3/27/09

Gen

stay S  
↓  
~~SS~~

1

AN ACT ...; **relating to:** requirements for pupils enrolled in five-year-old

2

kindergarten.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3

(END)

INSERT 1-3A

INSERT

11-3B

## 2009 ASSEMBLY BILL 119

March 4, 2009 – Introduced by Representatives SMITH, POPE-ROBERTS, BERCEAU, RICHARDS, SOLETSKI, COLON, SINICKI, MASON, PASCH, FIELDS, HEBL, BENEDICT, HIXSON, MILROY, CLARK, ZIGMUNT, BERNARD SCHABER and A. OTT, cosponsored by Senators COGGS, LEHMAN, CARPENTER, VINEHOUT, PLALE and ROBSON. Referred to Committee on Education.

- 1 AN ACT *to amend* 118.16 (2) (cg) 1., 118.16 (2) (cg) 4., 118.165 (1) (e) and 938.345  
 2 (2); and *to create* 118.15 (1) (am) and 118.33 (6) (c) of the statutes; **relating to:**  
 3 requirements for pupils enrolled in five-year-old kindergarten.

Begin INSERT  
1-3A

## Analysis by the Legislative Reference Bureau

substitute amendment

Under current law, attendance in school is compulsory for children between the ages of six and 18. A child who has reached the age of four years may enroll in four-year-old kindergarten if the school district in which the child resides operates a four-year-old kindergarten program, and a child who has reached the age of five years may enroll in five-year-old kindergarten. However, enrollment in and the completion of kindergarten is not required. *with certain exceptions*

- Beginning in the 2011-12 school year, *requires* this bill requires a child to complete five-year-old kindergarten as a prerequisite to being admitted to first grade in a public school, including a charter school. The bill permits a school board and the operator of an independent charter school to establish policies, standards, conditions, and procedures for the parent or guardian of a child to seek an exemption from the requirement that the child complete kindergarten. The bill also requires a child who is enrolled in five-year-old kindergarten in a public or private school to regularly attend kindergarten during the school year.

substitute amendment

INSERT to  
INSERT  
ANALYSIS

↑ conditions, and standards

and to seek review of a decision by the school board or operator of the independent charter school to deny an exemption

## ASSEMBLY BILL 119

END  
INSERT  
1-3A

For further information see the ~~state and local~~ fiscal estimate, which will be printed as an appendix to this bill.

le

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

BEGIN  
INSERT  
1-3B

2

SECTION 1. 118.15 (1) (am) ✓ of the statutes is created to read:

3 118.15 (1) (am) Except as provided under par. (d) and sub. (4), unless the child  
4 is excused under sub. (3), any person having under his or her control a child who is  
5 enrolled in 5-year-old kindergarten shall cause the child to attend school regularly,  
6 religious holidays excepted, during the full period and hours that kindergarten is in  
7 session at the public or private school in which the child is enrolled until the end of  
8 the school term.

8 SECTION 2. 118.16 (2) (cg) 1. ✓ of the statutes is amended to read:

9 118.16 (2) (cg) 1. A statement of the parent's or guardian's responsibility, under  
10 s. 118.15 (1) (a) and (am), to cause the child to attend school regularly.

11 SECTION 3. 118.16 (2) (cg) 4. ✓ of the statutes is amended to read:

12 118.16 (2) (cg) 4. A statement of the penalties, under s. 118.15 (5), that may be  
13 imposed on the parent or guardian if he or she fails to cause the child to attend school  
14 regularly as required under s. 118.15 (1) (a) and (am).

15 SECTION 4. 118.165 (1) (e) ✓ of the statutes is amended to read:

16 118.165 (1) (e) The program is not operated or instituted for the purpose of  
17 avoiding or circumventing the compulsory school attendance requirement under s.  
18 118.15 (1) (a) and (am).

19 SECTION 5. 118.33 (6) (c) ✓ of the statutes is created to read:

20 118.33 (6) (c) 1. Except as provided in subds. 2. and 3., beginning on September  
21 1, 2011, a school board may not enroll a child in the first grade in a school in the school

## ASSEMBLY BILL 119

1 district, including in a charter school located in the school district, unless the child  
 2 has completed 5-year-old kindergarten. Each school board shall adopt a written  
 3 policy specifying the criteria for promoting a pupil from 5-year-old kindergarten to  
 4 the first grade.

5 2. <sup>Each</sup> A school board <sup>that operates a 5-year-old kindergarten program</sup> may establish policies, conditions, standards, and procedures  
 6 for exempting a child from <sup>the requirement that the child complete</sup> ~~completing~~ kindergarten as a prerequisite to enrollment  
 7 in the first grade. The policies, conditions, standards, and procedures adopted under

8 this subdivision shall consider pupils who, before either commencing or completing  
 9 first grade, moved into this state from a state where completion of 5-year-old  
 10 kindergarten was not a prerequisite to entering first grade and who are otherwise  
 11 eligible to be enrolled in first grade as a new or continuing pupil. The school board  
 12 shall require the parent or guardian of a child seeking to be exempted from  
 13 kindergarten under this subdivision to submit to the school board a written request  
 14 for exemption and to demonstrate to the satisfaction of the school board that the child  
 15 demonstrates the social, emotional, and cognitive skills necessary for admission to  
 16 the first grade.

17 3. Except as provided in subd. <sup>5</sup> ~~1~~ <sup>50 and 60</sup> beginning on September 1, 2011, the operator  
 18 of a charter school under s. 118.40 (2r) may not enroll a child in the first grade in the  
 19 school unless the child has completed 5-year-old kindergarten. Each operator of a  
 20 charter school under s. 118.40 (2r) <sup>that operates a 5-year-old kindergarten program</sup> shall adopt a written policy specifying the criteria  
 21 for promoting a pupil from 5-year-old kindergarten to the first grade.

22 4. Each operator of a charter school under s. 118.40 (2r) <sup>that operates a 5-year-old kindergarten program</sup> may establish policies, conditions, standards, and procedures  
 23 for exempting a child from <sup>shall</sup> ~~completing~~ kindergarten as a prerequisite to enrollment in the first grade. The policies,  
 24 conditions, standards, and procedures adopted under this subdivision shall consider  
 25

the requirement  
that the child complete

Insert to  
Insert 3-7

Insert to  
Insert 3-17

Insert to  
Insert 3-24

## ASSEMBLY BILL 119

## SECTION 5

1 pupils who, before either commencing or completing first grade, moved into this state  
2 from a state where completion of 5-year-old kindergarten was not a prerequisite to  
3 entering first grade and who are otherwise eligible to be enrolled in first grade as a  
4 new or continuing pupil. The operator of the charter school shall require the parent  
5 or guardian of a child seeking to be exempted from kindergarten under this  
6 subdivision to submit to the operator of the charter school a written request for  
7 exemption and to demonstrate to the satisfaction of the operator of the charter school  
8 that the child demonstrates the social, emotional, and cognitive skills necessary for  
9 admission to the first grade.

10 SECTION 6. 938.345 (2) of the statutes is amended to read:

11 938.345 (2) SCHOOL DROPOUTS AND HABITUAL TRUANTS. If the court finds that a  
12 juvenile is in need of protection or services based on the fact that the juvenile is a  
13 school dropout, as defined in s. 118.153 (1) (b), or based on habitual truancy, and the  
14 court also finds that the juvenile has dropped out of school or is a habitual truant as  
15 a result of the juvenile's intentional refusal to attend school rather than the failure  
16 of any other person to comply with s. 118.15 (1) (a) and (am), the court, instead of or  
17 in addition to any other disposition imposed under sub. (1), may enter an order  
18 permitted under s. 938.342.

19 (END)

FILED TO  
Insert 4-10

**2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBs0027/?ins  
TKK:.....

1                   **INSERT ANALYSIS**

no # Finally, the substitute amendment requires a school board and the operator of an independent charter school to enroll in the first grade a child who has not completed kindergarten but is otherwise eligible to be enrolled in first grade if that child moves into Wisconsin from a state, country, or territory in which completion of kindergarten is not a prerequisite to entering first grade or if the child was exempted from the requirement to complete kindergarten in the state, country, or territory from which the child moved.

2                   **INSERT 3-7**

3                   and for reviewing the denial of an exemption upon the request of the pupil's parent  
4                   or guardian.

5                   **INSERT 3-17**

6                   3. A school board that operates a 5-year-old kindergarten program shall enroll  
7                   in the first grade a child who <sup>has not completed kindergarten but who is otherwise</sup> ~~would be~~ eligible to be admitted to and to enroll in first  
8                   grade as a new or continuing pupil at the time the child moves into this state if one  
9                   of the following applies:

10                  a. Before either commencing or completing first grade, the child moved into this  
11                  state from a state, country, or territory in which completion of 5-year-old  
12                  kindergarten is a prerequisite to entering first grade and the child was exempted  
13                  from the requirement to complete 5-year-old kindergarten in the state, country, or  
14                  territory from which the child moved.

15                  b. Before either commencing or completing first grade the child moved into this  
16                  state from a state, country, or territory in which completion of 5-year-old  
17                  kindergarten is not a prerequisite to entering first grade.

18                  **INSERT 3-24**

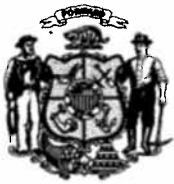
1 and for reviewing the denial of an exemption upon the request of the pupil's parent  
2 or guardian.

3 **INSERT 4-10**

4 6. The operator of a charter school under s. 118.40 (2r) that operates a ✓  
5 5-year-old kindergarten program shall enroll in the first grade a child who ~~would~~  
6 *has not completed kindergarten but who is otherwise* ~~be~~ eligible to be admitted to and <sup>to</sup> enroll in first grade as a new or continuing pupil  
7 at the time the child moves into this state if one of the following applies:

8 a. Before either commencing or completing first grade, the child moved into this  
9 state from a state, country, or territory in which completion of 5-year-old  
10 kindergarten is a prerequisite to entering first grade and the child was exempted  
11 from the requirement to complete 5-year-old kindergarten in the state, country, or  
12 territory from which the child moved.

13 b. Before either commencing or completing first grade the child moved into this  
14 state from a state, country, or territory in which completion of 5-year-old  
15 kindergarten is not a prerequisite to entering first grade.



ASSEMBLY SUBSTITUTE AMENDMENT ,  
TO 2009 ASSEMBLY BILL 119

3/27/09

by 3/30/09 or today

companion to LRBs0031/1

Regen

1 AN ACT *to amend* 118.16 (2) (cg) 1., 118.16 (2) (cg) 4., 118.165 (1) (e) and 938.345  
2 (2); and *to create* 118.15 (1) (am) and 118.33 (6) (c) of the statutes; **relating to:**  
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***Analysis by the Legislative Reference Bureau***

Under current law, attendance in school is compulsory for children between the ages of six and 18. A child who has reached the age of four years may enroll in four-year-old kindergarten if the school district in which the child resides operates a four-year-old kindergarten program, and a child who has reached the age of five years may enroll in five-year-old kindergarten. However, enrollment in and the completion of kindergarten is not required.

Beginning in the 2011-12 school year, with certain exceptions, this substitute amendment requires a child to complete five-year-old kindergarten as a prerequisite to being admitted to first grade in a public school, including a charter school. The substitute amendment requires a school board and the operator of an independent charter school to establish procedures, conditions, and standards for the parent or guardian of a child to seek an exemption from the requirement that the child complete kindergarten and to seek review of a decision by the school board or operator of the independent charter school to deny an exemption. The substitute amendment also requires a child who is enrolled in five-year-old kindergarten in a public or private school to regularly attend kindergarten during the school year.



Finally, the substitute amendment requires a school board and the operator of an independent charter school to enroll in the first grade a child who has not completed kindergarten but is otherwise eligible to be enrolled in first grade if that child moves into Wisconsin from a state, country, or territory in which completion of kindergarten is not a prerequisite to entering first grade or if the child was exempted from the requirement to complete kindergarten in the state, country, or territory from which the child moved.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 118.15 (1) (am) of the statutes is created to read:

2           118.15 (1) (am) Except as provided under par. (d) and sub. (4), unless the child  
3 is excused under sub. (3), any person having under his or her control a child who is  
4 enrolled in 5-year-old kindergarten shall cause the child to attend school regularly,  
5 religious holidays excepted, during the full period and hours that kindergarten is in  
6 session at the public or private school in which the child is enrolled until the end of  
7 the school term.

8           **SECTION 2.** 118.16 (2) (cg) 1. of the statutes is amended to read:

9           118.16 (2) (cg) 1. A statement of the parent's or guardian's responsibility, under  
10 s. 118.15 (1) (a) and (am), to cause the child to attend school regularly.

11           **SECTION 3.** 118.16 (2) (cg) 4. of the statutes is amended to read:

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15           **SECTION 4.** 118.165 (1) (e) of the statutes is amended to read:

16           118.165 (1) (e) The program is not operated or instituted for the purpose of  
17 avoiding or circumventing the compulsory school attendance requirement under s.  
18 118.15 (1) (a) and (am).

1           **SECTION 5.** 118.33 (6) (c) of the statutes is created to read:

2           118.33 (6) (c) 1. Except as provided in subds. 2. and 3., beginning on September  
3           1, 2011, a school board may not enroll a child in the first grade in a school in the school  
4           district, including in a charter school located in the school district, unless the child  
5           has completed 5-year-old kindergarten. Each school board that operates a  
6           5-year-old kindergarten program shall adopt a written policy specifying the criteria  
7           for promoting a pupil from 5-year-old kindergarten to the first grade.

8           2. Each school board that operates a 5-year-old kindergarten program shall  
9           establish procedures, conditions, and standards for exempting a child from the  
10          requirement that the child complete kindergarten as a prerequisite to enrollment in  
11          the first grade and for reviewing the denial of an exemption upon the request of the  
12          pupil's parent or guardian.

13          3. A school board that operates a 5-year-old kindergarten program shall enroll  
14          in the first grade a child <sup>who</sup> has not completed kindergarten but who is otherwise eligible  
15          to be admitted to and <sup>to</sup> enroll in first grade as a new or continuing pupil at the time  
16          the child moves into this state if one of the following applies:

17           a. Before either commencing or completing first grade, the child moved into this  
18           state from a state, country, or territory in which completion of 5-year-old  
19           kindergarten is a prerequisite to entering first grade and the child was exempted  
20           from the requirement to complete 5-year-old kindergarten in the state, country, or  
21           territory from which the child moved.

22           b. Before either commencing or completing first grade the child moved into this  
23           state from a state, country, or territory in which completion of 5-year-old  
24           kindergarten is not a prerequisite to entering first grade.

1           4. Except as provided in subds. 5. and 6., beginning on September 1, 2011, the  
2 operator of a charter school under s. 118.40 (2r) may not enroll a child in the first  
3 grade in the school unless the child has completed 5-year-old kindergarten. Each  
4 operator of a charter school under s. 118.40 (2r) that operates a 5-year-old  
5 kindergarten program shall adopt a written policy specifying the criteria for  
6 promoting a pupil from 5-year-old kindergarten to the first grade.

7           5. Each operator of a charter school under s. 118.40 (2r) that operates a  
8 5-year-old kindergarten program shall establish procedures, conditions, and  
9 standards for exempting a child from the requirement that the child complete  
10 kindergarten as a prerequisite to enrollment in the first grade and for reviewing the  
11 denial of an exemption upon the request of the pupil's parent or guardian.

12           6. The operator of a charter school under s. 118.40 (2r) that operates a  
13 5-year-old kindergarten program shall enroll in the first grade a child who has not  
14 completed kindergarten but who is otherwise eligible to be admitted to and <sup>to</sup> enroll in  
15 first grade as a new or continuing pupil at the time the child moves into this state  
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17           a. Before either commencing or completing first grade, the child moved into this  
18 state from a state, country, or territory in which completion of 5-year-old  
19 kindergarten is a prerequisite to entering first grade and the child was exempted  
20 from the requirement to complete 5-year-old kindergarten in the state, country, or  
21 territory from which the child moved.

22           b. Before either commencing or completing first grade the child moved into this  
23 state from a state, country, or territory in which completion of 5-year-old  
24 kindergarten is not a prerequisite to entering first grade.

25           **SECTION 6.** 938.345 (2) of the statutes is amended to read:

938.345 (2) SCHOOL DROPOUTS AND HABITUAL TRUANTS. If the court finds that a juvenile is in need of protection or services based on the fact that the juvenile is a school dropout, as defined in s. 118.153 (1) (b), or based on habitual truancy, and the court also finds that the juvenile has dropped out of school or is a habitual truant as a result of the juvenile's intentional refusal to attend school rather than the failure of any other person to comply with s. 118.15 (1) (a) and (am), the court, instead of or in addition to any other disposition imposed under sub. (1), may enter an order permitted under s. 938.342.

**(END)**



ASSEMBLY SUBSTITUTE AMENDMENT ,  
TO 2009 ASSEMBLY BILL 119

Today

3/30/09

Comparison to LRB50031/1

Regent

- 1 AN ACT *to amend* 118.16 (2) (cg) 1., 118.16 (2) (cg) 4., 118.165 (1) (e) and 938.345  
2 (2); and *to create* 118.15 (1) (am) and 118.33 (6) (c) of the statutes; **relating to:**  
3 requirements for pupils enrolled in five-year-old kindergarten.

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***Analysis by the Legislative Reference Bureau***

Under current law, attendance in school is compulsory for children between the ages of six and 18. A child who has reached the age of four years may enroll in four-year-old kindergarten if the school district in which the child resides operates a four-year-old kindergarten program, and a child who has reached the age of five years may enroll in five-year-old kindergarten. However, enrollment in and the completion of kindergarten is not required.

Beginning in the 2011-12 school year, with certain exceptions, this substitute amendment requires a child to complete five-year-old kindergarten as a prerequisite to being admitted to first grade in a public school, including a charter school. The substitute amendment requires a school board and the operator of an independent charter school to establish procedures, conditions, and standards for the parent or guardian of a child to seek an exemption from the requirement that the child complete kindergarten and to seek review of a decision by the school board or operator of the independent charter school to deny an exemption. The substitute amendment also requires a child who is enrolled in five-year-old kindergarten in a public or private school to regularly attend kindergarten during the school year.

Finally, the substitute amendment requires a school board and the operator of an independent charter school to enroll in the first grade a child who has not completed kindergarten but is otherwise eligible to be enrolled in first grade if that child moves into Wisconsin from a state, country, or territory in which completion of kindergarten is not a prerequisite to entering first grade or if the child was exempted from the requirement to complete kindergarten in the state, country, or territory from which the child moved.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 118.15 (1) (am) of the statutes is created to read:

2           118.15 (1) (am) Except as provided under par. (d) and sub. (4), unless the child  
3 is excused under sub. (3), any person having under his or her control a child who is  
4 enrolled in 5-year-old kindergarten shall cause the child to attend school regularly,  
5 religious holidays excepted, during the full period and hours that kindergarten is in  
6 session at the public or private school in which the child is enrolled until the end of  
7 the school term.

8           **SECTION 2.** 118.16 (2) (cg) 1. of the statutes is amended to read:

9           118.16 (2) (cg) 1. A statement of the parent's or guardian's responsibility, under  
10 s. 118.15 (1) (a) and (am), to cause the child to attend school regularly.

11           **SECTION 3.** 118.16 (2) (cg) 4. of the statutes is amended to read:

12           118.16 (2) (cg) 4. A statement of the penalties, under s. 118.15 (5), that may be  
13 imposed on the parent or guardian if he or she fails to cause the child to attend school  
14 regularly as required under s. 118.15 (1) (a) and (am).

15           **SECTION 4.** 118.165 (1) (e) of the statutes is amended to read:

16           118.165 (1) (e) The program is not operated or instituted for the purpose of  
17 avoiding or circumventing the compulsory school attendance requirement under s.  
18 118.15 (1) (a) and (am).

1           **SECTION 5.** 118.33 (6) (c) of the statutes is created to read:

2           118.33 **(6)** (c) 1. Except as provided in subds. 2. and 3., beginning on September  
3           1, 2011, a school board may not enroll a child in the first grade in a school in the school  
4           district, including in a charter school located in the school district, unless the child  
5           has completed 5-year-old kindergarten. Each school board that operates a  
6           5-year-old kindergarten program shall adopt a written policy specifying the criteria  
7           for promoting a pupil from 5-year-old kindergarten to the first grade.

8           2. Each school board that operates a 5-year-old kindergarten program shall  
9           establish procedures, conditions, and standards for exempting a child from the  
10          requirement that the child complete kindergarten as a prerequisite to enrollment in  
11          the first grade and for reviewing the denial of an exemption upon the request of the  
12          pupil's parent or guardian.

13          3. A school board that operates a 5-year-old kindergarten program shall enroll  
14          in the first grade a child who has not completed kindergarten but who is otherwise  
15          eligible to be admitted to and to enroll in first grade as a new or continuing pupil at  
16          the time the child moves into this state if one of the following applies:

17           a. Before either commencing or completing first grade, the child moved into this  
18           state from a state, country, or territory in which completion of 5-year-old  
19           kindergarten is a prerequisite to entering first grade and the child was exempted  
20           from the requirement to complete 5-year-old kindergarten in the state, country, or  
21           territory from which the child moved.

22           b. Before either commencing or completing first grade the child moved into this  
23           state from a state, country, or territory in which completion of 5-year-old  
24           kindergarten is not a prerequisite to entering first grade.

1           4. Except as provided in subds. 5. and 6., beginning on September 1, 2011, the  
2 operator of a charter school under s. 118.40 (2r) may not enroll a child in the first  
3 grade in the school unless the child has completed 5-year-old kindergarten. Each  
4 operator of a charter school under s. 118.40 (2r) that operates a 5-year-old  
5 kindergarten program shall adopt a written policy specifying the criteria for  
6 promoting a pupil from 5-year-old kindergarten to the first grade.

7           5. Each operator of a charter school under s. 118.40 (2r) that operates a  
8 5-year-old kindergarten program shall establish procedures, conditions, and  
9 standards for exempting a child from the requirement that the child complete  
10 kindergarten as a prerequisite to enrollment in the first grade and for reviewing the  
11 denial of an exemption upon the request of the pupil's parent or guardian.

12           6. The operator of a charter school under s. 118.40 (2r) that operates a  
13 5-year-old kindergarten program shall enroll in the first grade a child who has not  
14 completed kindergarten but who is otherwise eligible to be admitted to and to enroll  
15 in first grade as a new or continuing pupil at the time the child moves into this state  
16 if one of the following applies:

17           a. Before either commencing or completing first grade, the child moved into this  
18 state from a state, country, or territory in which completion of 5-year-old  
19 kindergarten is a prerequisite to entering first grade and the child was exempted  
20 from the requirement to complete 5-year-old kindergarten in the state, country, or  
21 territory from which the child moved.

22           b. Before either commencing or completing first grade the child moved into this  
23 state from a state, country, or territory in which completion of 5-year-old  
24 kindergarten is not a prerequisite to entering first grade.

25           **SECTION 6.** 938.345 (2) of the statutes is amended to read:



938.345 (2) SCHOOL DROPOUTS AND HABITUAL TRUANTS. If the court finds that a juvenile is in need of protection or services based on the fact that the juvenile is a school dropout, as defined in s. 118.153 (1) (b), or based on habitual truancy, and the court also finds that the juvenile has dropped out of school or is a habitual truant as a result of the juvenile's intentional refusal to attend school rather than the failure of any other person to comply with s. 118.15 (1) (a) and (am), the court, instead of or in addition to any other disposition imposed under sub. (1), may enter an order permitted under s. 938.342.

**(END)**